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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,894	05/10/2001	Humberto A. Sanchez II	10007359-1	5415

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EXAMINER

AHMED, FAROOQUE

ART UNIT PAPER NUMBER

2157

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/852,894

Applicant(s)

SANCHEZ ET AL.

Examiner

Farooque Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 05/10/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/10/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to the application filed **05/10/2001**. Claims 1-20 are pending. Claims 1-20 Represent Method For Executing Multi-system Aware Applications.

#### Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 4, 7, 8,15 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Clearly applicant does not clearly described "computing a default target node list from default nodes specified"

Claims 4,15 recite the limitation "default nodes Specified" There is insufficient antecedent basis for this limitation in the claim.

Claim 7, recites the limitation " target nodes specified on the command line \*" There is insufficient antecedent basis for this limitation in the claim.

Claim 8, recites the limitation " target nodes is specified \*" There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

3           The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

4       Claims 1-5,9,14-16,18,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reps et al. US Patent No. 6070190 and in view of Wipfel et al. US Patent No.6338112 hereinafter.

Reps teaches the invention substantially as claimed includes Client based application monitoring and reporting for Distributed computing environment (See abstract).

As to claim1, Reps teaches a method for executing multi-system aware (MSA) applications in a cluster, comprising:

A receiving selection of an MSA tool by a user (See 3, 4 col 3 line 4-7; col 8 lines 43-64; col 11 lines 3-10, Rep disclose (MSAM) and client computer (AMA) software accessed on HTTP over an Internet or Internet);

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b) Establishing a target node list that contains nodes against which the MSA tool can execute (see Fig 3, col 10 lines 1-15; col 11 lines 42-59; col 12 lines 1-10; col 13, lines 17-30, Reps disclosed Target server and AMA Interfaces is executable on end user);

c) Passing the target node list as environment variables to the MSA tool (see fig 3,4; col 15 lines 5-19, Reps disclosed storage destination and Target server and application information provided to AMA software);

Rep fails to teach executing the MSA tool with the environment variables on an MSA managed nod

However Wipfel teaches cluster-aware application program, which manages use of the nodes on individual nodes (see col 2 lines 40-53; col 3 lines 59-60)

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify reps in the view of Wipfel to effect executing multi-system aware (MSA) applications in a cluster network.

In reference to claim 2, Reps teaches the method as recited in claim 1, wherein the receiving step includes receiving selection of the MSA tool that launches system interactive applications (See 3-6, col 3 line 4-7; col 8 lines 43-64; col 11 lines 3-10; col 15 lines 45-67; Reps disclosed AMA GUI and AMA applet software accessed on HTTP over an Internet or Internet);

In reference to claim 3, Reps teaches the method as recited in claim 1, wherein the establishing step includes establishing a target node list that contains node groups against which the MSA tool can execute (see Fig 3, col 10 lines 1-15; col 11 lines 42-59; col 12 lines 1-10; col 13, lines 17-30, Reps disclosed Storage destination and target server and AMA Interfaces is executable on end user);

In reference to 4 reps teaches method of claim as it recited in claim 1. Reps fails to teach a establishing step includes computing a default target node list from default nodes specified.

However Wipfel teaches software nodes with a target nodes (col 11-13)

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify reps in the view of Wipfel to (MSA) applications tools where target nodes with software nodes list in a cluster network.

In reference to claim 5, Reps teaches the method as recited in claim 1, wherein the passing step includes passing the target node list as target environment variables (see fig 3,4; col 15 lines 5-19; col 16, Reps disclosed storage destination and Target server and application information provided to AMA software);

In reference to claim 9, Reps teaches the method as recited in claim 1, wherein the receiving step includes receiving selection of the MSA tool from a tool view menu using a graphical user interface. (Col 13 lines 4-67; col 19 lines

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25-50; col 20 lines 1-10, Reps disclosed end user with GUI accessing the AMA which are used to assist).

As to claim 14, Reps teaches an apparatus for executing multi-system aware (MSA) applications in a cluster, comprising:

a receiving selection of an MSA tool by a user (See 3, 4 col 3 line 4-7; col 8 lines 43-64; col 11 lines 3-10, Rep disclose (MSAM) and client computer (AMA) software accessed on HTTP over an Internet or Internet);

b) Establishing a target node list that contains nodes against which the MSA tool can execute (see Fig 3, col 10 lines 1-15; col 11 lines 42-59; col 12 lines 1-10; col 13, lines 17-30, Reps disclosed Target server and AMA Interfaces is executable on end user);

c) Passing the target node list as environment variables to the MSA tool (see fig 3, 4; col 15 lines 5-19, Reps disclosed storage destination and Target server and application information provided to AMA software);

Rep fails to teach executing the MSA tool with the environment variables on an MSA managed node

However Wipfel teaches cluster-aware application program, which manages use of the nodes on individual nodes (see col 2 lines 40-53; col 3 lines 59-60)

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Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify reps in the view of Wipfel to effect executing multi-system aware (MSA) applications in a cluster network.

In reference to claim 15, Reps teaches the method as recited in claim 14. Reps fails to teach, wherein the module for establishing the target node list includes a module for computing a default target node list from default nodes.

However Wipfel does teaches software nodes with a target nodes (col 11-13)

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify reps in the view of Wipfel to (MSA) applications tools where target nodes with software nodes list in a cluster network.

Reps teach the invention substantially as claimed includes Client based application monitoring and reporting for Distributed computing environment (See abstract).

In reference to claim 16, Reps teaches the apparatus as recited in claim 14, wherein the module for passing the target node list includes a module for passing the target node list as target environment variables (see fig 3,4; col 15 lines 5-19; col 16, Reps disclosed storage destination and Target server and application information provided to AMA software);

In reference to claim 18, Reps teaches the apparatus as recited in claim 14, wherein the receiving step includes receiving selection of the MSA tool from a tool view menu using a graphical user interface. (Col 13 lines 4-67; col 19 lines 25-50; col 20 lines 1-10, Reps disclosed end user with GUI accessing the AMA which are used to assist).

In reference to claim 19, Reps teaches the method as recited in claim 14, further comprising a module for receiving selection of target nodes by the user from a node view menu using a graphical user interface (See fig3, col 10 lines 1-15-line col 3, 4 col 19 lines 25-40 col 13, lines 8-30, Reps disclosed User view menu on AMA GUI application accessing the).

5. Claims 6-8, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reps et al. US Patent No. 6070190 over Wipfel et al. US Patent No. 6338112 and in view of Foley et al. US Patent No. 6338112 hereinafter.

In reference to claim 6, Reps teaches the method as recited in claim 1,

Reps fails to teach the receiving step includes receiving selection of the MSA tool using a command line interface.

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However, Foley teaches Commands lines interface where client perform and view through, (See col 3 lines 5-50; col 4 lines 34-52).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify reps in the view of Foley to add a command line interface with MSA tools to when user selects the application perform the task.

In reference to claim 7, Reps teaches the method as recited in claim 6.

Reps fails to teach the establishing step includes establishing the list from target nodes specified on the command.

However Foley teaches GUI where Commands to request and maintained various Network elements include view target service class. See col 3-line 5-50 col 5, 6).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify reps in the view of Foley to add a View Bar in GUI application with MSA tools to where user used command selects perform the task.

In reference to claim 8, Reps teaches the method as recited in claim 6.

Reps fails to teach returning an error message if no target node is specified.

However teaches when nodes statues is failed in error condition between to nodes, (col 4 lines 30-50)

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Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify Reps in the view of Wipfel to include error message return when user issue a command in interface to specified the nodes.

In reference to claim 17, Reps teaches the apparatus as recited in claim 14.

Reps fails to teach receiving selection of the MSA tool includes a module for receiving selection of the MSA tool using a command line interface.

However, Foley teaches Commands lines interface where client perform and view through, See col 3 lines 5-50; col 4 lines 34-52).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify reps in the view of Foley to add a command line interface with MSA tools to when user selects the application perform the task.

6. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reps et al. US Patent No. 6070190 in view of Wipfel et al. US Patent No.6338112 hereinafter and in view of Vaid et al. US Patent No.6502131 hereinafter.

In reference to claim 10, Reps teaches the method as recited in claim 9.

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Reps fails to teach establishing step includes receiving selection of target nodes by the user from a dialog in the tool view menu.

However Vaid disclosed User using clients destination entities with tools menu and see (col 13 lines 4 -20).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify Reps in the view of Vaid to include end user with GUI accessing the AMA to profile and select Target nodes in tools. One would be motivated to do so to identify the selections.

In reference to claim 11, Res teaches the method as recited in claim 1.

Reps fails to teach the method wherein further comprising receiving selection of target nodes by the user from a node view menu using a graphical user interface.

However Vaid disclosed User using client's destination entities in the tools menu, see (col 13 lines 4 -20).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify Reps in the view of Vaid user with GUI accessing the AMA to profile and select Target nodes in tools. One would be motivated to do so to identify the selections.

In reference to claim 12, Reps teaches the method as recited in claim 11, wherein the receiving selection of the MSA tool step includes selecting the MSA tool by the user from a dialog in the node view menu. Interface (See fig 3 col 13

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14, col 19 lines 25-40, Reps disclosed Using GUI based interface user views a menu transaction by clients).

In reference to claim 13, Reps teaches the method as recited in claim 1

Reps fails to teach a Logging cluster configuration changes in a central log file by a log manager

However Vaid disclosed tools to configure a log files inexistent directories in management network, (See fig 15, col 22 lines35- 40 col 22 lines19-31 col 23)

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify Reps in the view of Vaid to add the logging configuration in network managing where user receive MSA tools.

Reps fails to teach wherein Logging tool execution events in an MSA tool log file

However Vaid disclosed tools to configure a log files in management network, (See fig 15, col 21 lines col 22 lines; col 23 lines 19-67)

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify Reps in the view of Vaid to add the logging configuration in network managing where user receive MSA tools.

c) Integrating the MSA tool log file into the central log file (See fig 15, col 21 lines1-67; col 22 lines col 23 lines 19-67, Vaid disclosed existing a directories configure a log files in management network.).

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7. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reps et al. US Patent No. 6070190 in view of Wipfel et al. US Patent No.6338112 and in view of Vaid et al. US Patent No.6502131 hereinafter.

Reps teach the invention substantially as claimed includes Client based application monitoring and reporting for Distributed computing environment (See abstract).

As to claim 20, Reps teaches a method for executing multi-system aware (MSA) applications in a cluster,

Comprising:

a) Reps fail to teach the limitation of a Receiving selection of an MSA tool by a user using a command lined (see col 13,lines 8-30; col 18 line 2-15);

however does Foley does teach command line interface with GUI where user view various request

Their for it would obvious to one of the ordinary skill in the art at the time of the invention to modify reps command lines interface to perform the functionality where MSA tools on receiving side using command on GUI.

b) Establishing a target node list that contains nodes against which the MSA tool can execution, wherein the list is established from default nodes or target nodes Specified on the command line (see Fig 3, col 10 lines 1-15; col 11

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lines 42-59; col 12 lines 1-10; col 13, lines 17-30, Reps disclosed Target server and AMA Interfaces is executable on end user);

c) Passing the target node list as environment variables to the MSA tool (see fig 3,4; col 15 lines 5-19, Reps disclosed storage destination and Target server and application information provided to AMA software);

e) Executing the MSA tool with the environment variables on an MSA manage node

Reps fails to teach a Logging cluster configuration changes in a central log file by a log manager

However Vaid disclosed tools to configure a log files inexistent directories in management network, (See fig 15, col 22 lines 35- 40 col 22 lines 19-31 col 23)

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify Reps in the view of Vaid to add the logging configuration in network managing where user receive MSA tools.

Reps fails to teach wherein Logging tool execution events in an MSA tool log file

However Vaid disclosed tools to configure a log files in management network, (See fig 15, col 21 lines col 22 lines; col 23 lines 19-67)

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify Reps in the view of Vaid to add the logging configuration in network managing where user receive MSA tools.

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h) Integrating the MSA tool log file into the central log file. (See fig 15, col 21 lines1-67; col 22 lines30-67; col 23 lines 19-67, Vaid disclosed Stored in the table tools to configure a log files in management network);

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farooque Ahmed whose telephone number is 703-605-4212. The examiner can normally be reached on M-F 8:30 to 5:00

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farooque Ahmed/Examiner  
Art Unit 2157



**SALEH NAJJAR**  
**PRIMARY EXAMINER**